



California Regional Water Quality Control Board Central Valley Region

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FILE COPY

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PROPOSED CLOSURE ACTIVITIES AND SCHEDULE, DELLAR LANDFILL, SACRAMENTO COUNTY

Thank you for meeting with us on 6 January 2011 and for sending your representatives to meet again on 27 January 2011 to discuss closure of the Dellar Landfill, which is required pursuant to Cleanup and Abatement Order (CAO) R5-2008-0705. Among other items and tasks, the CAO required completion of the closure cover by 30 October 2010, a date which had previously been acceptable to the City of Sacramento (City) and the Sylvia Dellar Survivor's Trust (Trust). The closure deadline has passed, but construction of the cover was not undertaken during the 2010 construction season. Therefore, the City of Sacramento and the Dellar Trust are in violation of the CAO. However, the Trust has proposed to complete construction of the final cover this year. The purpose of this letter is to summarize the two recent meetings, provide comments on the proposed alternate closure proposal, and clarify the Central Valley Water Board's expectations for bringing the facility into compliance with the CAO.

June 2010 Request for Extension of Time for Closure

As we discussed on 6 January 2011, City staff informed us verbally on or about 14 June 2010 that numerous elderberry bushes had been discovered at the landfill. We understand that both the City and the Trust representatives became aware of this in early March 2010, and recognized that the bushes could not be disturbed because they are habitat for the Valley Elderberry Longhorn Beetle, which is currently listed as a threatened species. In June 2010, City of Sacramento staff verbally requested an extension to the final closure date in the CAO, to which we did not agree, in part because Central Valley Water Board staff is not authorized to grant an extension to a Board-adopted Order. At the time, Mr. Strauss stated that he would follow up with a written extension request and additional details about the City's plans to address the elderberry bush issue, but we did not receive such a request. We also did not receive the quarterly status reports required by the CAO after the first quarter 2010 report.

On 11 January 2011, Mr. Strauss transmitted a letter dated 16 June 2010 and the delinquent progress reports via email. We understand that City of Sacramento staff had transmitted

these documents via email on various dates in 2010. Unfortunately, as we now know, these transmittals were inadvertently emailed to a county agency rather than the Central Valley Water Board, and paper copies were not mailed to our office.

According to the letter, the City's consultant completed a biological survey at the landfill on 13 May 2010. The biological survey was submitted to the United States Fish and Wildlife Service (USFWS) for review, but Central Valley Water Board staff was not notified of the survey, nor was a copy submitted to us. We also understand that the City was notified by the USFWS that a full Habitat Conservation Plan, pursuant to Section 10 of the Endangered Species Act was required. Consequently, the City's June 2010 letter requests a four-year extension to the October 2011 closure deadline in the CAO. However, based on the Trust's proposed plan for closure, it appears that the requested extension will not be needed, as discussed below.

Proposed Alternate Closure Plan

As discussed during the two January 2011 meetings, we understand that the Trust is proposing an alternate final cover design for the Dellar Landfill. In summary, the proposed final cover would consist of two feet of compacted soil, except within the drip lines of the Valley elderberry bushes that were identified at the site in 2010. We understand that the Trust is prepared to complete the alternate design and move forward with closure this year. The proposed closure strategy is acceptable in concept, and we urge both parties to move forward as quickly as possible to minimize further violations of CAO R5-2008-0705.

The Trust's representatives submitted a schedule for predesign, design, and construction activities during the 27 January meeting. City of Sacramento (City) representatives stated that the City would not object to the Trust undertaking closure construction at the site, and that the soil that has been stockpiled by the City at the Dellar Landfill and the nearby 28th Street landfill for use in the final cover will be available to the Trust's contractor. City staff also expressed concern about environmental liability for any disturbance of potential Valley elderberry longhorn beetle habitat. The Trust's representatives stated that the Trust may be able to address those concerns through indemnification or some other form of understanding between the City and the Trust. The City and the Trust have not yet reached agreement on the allocation of responsibility for post-closure maintenance.

Proposed Closure Schedule

The Trust's representatives submitted a copy of a 13 January 2011 letter from Kleinfelder to Jeffory Scharff which provides the following proposed closure schedule:

- Submit Field Activities (pre-design) Report by 9 March 2011 (the document has been submitted and is currently under review by staff)
- Submit Final Closure Plan by 25 April 2011
- Begin closure construction by 18 August 2011
- Complete closure construction by 5 October 2011

- Submit Construction Quality Assurance Report by 10 November 2011.

As we discussed during the meeting, the proposed schedule is acceptable, and the Central Valley Water Board will not take additional enforcement action with regard to landfill closure if closure construction is completed and we receive the Construction Quality Assurance Report by **10 November 2011**.

Proposed Pre-Design Field Activities

Pre-Design Field Activities have been conducted and staff received an Assessment Report dated 9 March 2011. Staff is currently reviewing the Report. According to the Report, Dellar Landfill will provide an additional submittal by **25 March 2011** following the completion of the geotechnical investigation. This part of the Pre-Design Field Activities will include investigating the sedimentation basin by advancing one and possibly two soil borings per detention basin to design grade minus five feet. The purpose is to characterize and assess the presence of waste below the proposed sedimentation basin. As we discussed in the 27 January 2011 meeting, if waste is encountered below the footprint of either of the planned ponds, we expect that the pond will be lined to prevent leachate generation due to storm water percolating through the waste.

Following the completion of the proposed geotechnical field investigation, a Final Closure Plan will be prepared and submitted for review by **25 April 2011**. We are prepared to expedite review of these documents.

Please call me at 916-464-4740 or Todd Del Frate at 916-464-4737 if you have any questions.

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